

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NEW YORK LEGAL ASSISTANCE GROUP,

Plaintiff,

-against-

BOARD OF IMMIGRATION APPEALS,  
EXECUTIVE OFFICE FOR IMMIGRATION  
REVIEW, and UNITED STATES DEPARTMENT  
OF JUSTICE,

Defendants.

No. 18 Civ. 9495 (PAC)

**STIPULATION AND ORDER**

This Stipulation of Settlement Regarding Fees and Costs (“Fee Stipulation”) is entered into by and between the New York Legal Assistance Group (“Plaintiff”) and defendants Board of Immigration Appeals, Executive Office for Immigration Review, and United States Department of Justice (“Defendants” and, together with Plaintiff, the “Parties”).

WHEREAS, the Parties previously executed a Stipulation of Settlement resolving the merits of this action under the Freedom of Information Act, and this Court approved the Stipulation of Settlement and entered it as an Order on February 9, 2022, ECF No. 72;

WHEREAS, paragraph 8(a) of the Stipulation of Settlement provided for the dismissal of this action subject to the terms of that Stipulation pursuant to Federal Rule of Civil Procedure 41(a)(2) as of the date of this Court’s endorsement of the Stipulation of Settlement and resolved all of Plaintiff’s claims arising out of the June 8, 2018 FOIA request that was the subject of this

action other than (i) any claims for attorneys' fees and costs under 5 U.S.C. § 552(a)(4)(E), or (ii) any claim that Defendants have breached a provision of the Stipulation of Settlement;

WHEREAS, the Stipulation of Settlement provided that this Court would retain jurisdiction to, among other things, resolve an application by Plaintiff for fees and costs under 5 U.S.C. § 552(a)(4)(E);

WHEREAS, the Court extended Plaintiff's time to file an application for fees and costs to June 10, 2022, to allow the Parties additional time to reach an agreement concerning the award of fees and costs, *see* ECF No. 74; and

WHEREAS, the Parties have reached such an agreement;

IT IS NOW, HEREBY, STIPULATED AND AGREED, by and among the Parties to this action, and IT IS NOW, HEREBY, ORDERED, AND DECREED, by this Court, as follows:

1. Defendants shall pay to Plaintiff a total amount of \$208,400.00 in attorneys' fees and costs in this matter. Of this amount, Defendants shall pay \$82,419.83 directly to Plaintiff, and \$125,980.17 to Plaintiff's attorneys, Public Citizen Litigation Group. Payment shall be made by electronic funds transfer, and counsel for Plaintiff will provide the necessary information to counsel for the Defendants to effectuate the transfer. This sum shall constitute full and final settlement of all claims against Defendant by Plaintiff for fees, costs, and expenses accrued in this action and shall resolve the issue reserved by paragraph 9 and clause (i) of paragraph 8(a)(ii) of the Stipulation of Settlement.

2. Upon payment of the amounts specified in paragraph 1 of this Fee Stipulation, Plaintiff releases and discharges the Defendants and the United States of America, including its agencies, departments, officers, employees, servants, and agents, from any and all claims for attorney fees or costs arising out of this action and Plaintiff's June 8, 2018 FOIA Request.

3. In addition to the matters over which the Court retains jurisdiction under its Order endorsing the Stipulation of Settlement, the Court shall retain jurisdiction over any issues that might arise relating to the enforcement of this Fee Stipulation and Order. Except to this extent, and insofar as it resolves the fee and costs issues reserved in the Stipulation of Settlement, nothing in this Fee Stipulation and Order shall modify the provisions of the Stipulation of Settlement and this Court's Order endorsing it.

Agreed to as of this 9th day of June, 2022.

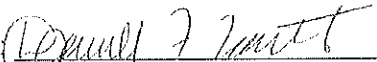
**PUBLIC CITIZEN LITIGATION GROUP**



Scott L. Nelson  
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**NEW YORK LEGAL ASSISTANCE GROUP  
BETH GOLDMAN, ESQ.**

By:



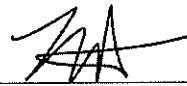
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*Attorney for Defendants*

SO ORDERED.



HON. PAUL A. CROTTY  
United States District Judge

Dated: 6/14/2022  
New York, New York